

# **EXHIBIT 23**

**To  
PLAINTIFF'S LOCAL RULE 56.1(b)(3)(C) STATEMENT OF ADDITIONAL FACTS  
REQUIRING DENIAL OF THE CITY'S MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

**March 15, 2016**

**Case No. 14-CV-4391**

1 STATE OF ILLINOIS       )  
                                  ) SS:  
2 COUNTY OF C O O K       )

3       IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
          COUNTY DEPARTMENT - CRIMINAL DIVISION

4 THE PEOPLE OF THE                                )  
5 STATE OF ILLINOIS,                                )  
                                  Plaintiff,        )  
6    )  
                                  - vs -                ) No. 05-CR-14415  
7    )  
8 NICOLE HARRIS,                                        )  
                                  Defendant.        )

9  
10       REPORT OF PROCEEDINGS had before the  
11 HONORABLE PAUL P. BIEBEL, JR., Judge of the Criminal  
12 Division, heard on the 17th day of June, 2013.

13       APPEARANCES:

14       HON. ANITA M. ALVAREZ,  
15       State's Attorney of Cook County, by:  
16       MR. JOE MAGATS,  
          Assistant State's Attorney,  
          Appeared for the People;

17       MR. BOB STAUFFER,  
18       MS. ALISON FLAUM, and  
19       MS. SANDY TOLL,  
          Attorneys at Law,  
          Appeared for the Defendant.

20       Lisa M. Hughes, CSR  
21       Official Court Reporter  
22       2650 South California, Room 4C02  
          Chicago, Illinois 60608  
23       License No. 084-004240  
24

1 THE CLERK: Nicole Harris.

2 MR. MAGATS: Joe Magats, M-a-g-a-t-s, on behalf  
3 of the People.

4 MR. STAUFFER: Bob Stauffer, Jenner & Block, on  
5 behalf of the defendant, S-t-a-u-f-f-e-r.

6 MS. FLAUM: Alison Flaum, F-l-a-u-m, also on  
7 behalf of the defendant.

8 MS. TOLL: Sandy Toll, T-o-l-l, also on behalf  
9 of the defendant.

10 THE COURT: What is this about?

11 MR. MAGATS: Your Honor, this case is before  
12 you being sent back after granting a petition for habeas  
13 corpus.

14 On October 26, 2005, Ms. Harris was  
15 convicted of first-degree murder. On October 18, 2012,  
16 the 7th Circuit Appellate Court granted Ms. Harris'  
17 petition for habeas corpus. I don't know if there is a  
18 copy in the court file, if there is even a court file,  
19 but I am tendering a copy of that opinion to the Court.

20 In February of 2013, the 7th Circuit  
21 Appellate Court ordered Ms. Harris released pending the  
22 Attorney General's appeal to the United States Supreme  
23 Court and extended the time period for the People to  
24 determine whether the case was going to be retried.

1                   On June 3rd, two weeks ago, the United  
2 States Supreme Court denied the petition for writ of  
3 certiori, meaning that the habeas petition stood. Today  
4 is the 14th day. At this time, we are asking that based  
5 on the 7th Circuit's granting of the habeas that an  
6 order be entered vacating convictions on Counts 1 and 2  
7 of the indictment.

8                   There were verdicts of guilty on both  
9 counts. She was sentenced only on Count 1.

10                  THE COURT: Vacating Counts 1 and 2?

11                  MR. MAGATS: Yes. At this time, it would be  
12 nolle pros.

13                  THE COURT: Motion State nolle granted.

14                  MR. MAGATS: I also have a copy of the order  
15 that ordered Ms. Harris released during the pendency of  
16 the writ of the Supreme Court. I don't know if it needs  
17 to be in the court file.

18                  THE COURT: We will put it in the court file.

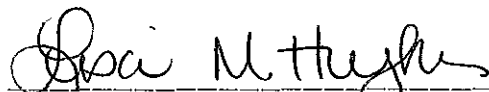
19                  Fine. Motion State nolle.

20                         (Which were all the proceedings had in  
21 the above-entitled cause on this date.)  
22  
23  
24

1 STATE OF ILLINOIS )  
 ) SS:  
2 COUNTY OF C O O K )

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
4 COUNTY DEPARTMENT - CRIMINAL DIVISION  
5

6 I, LISA M. HUGHES, an Official Court  
7 Reporter for the Circuit Court of Cook County, County  
8 Department - Criminal Division, do hereby certify that I  
9 reported in shorthand the proceedings had in the  
10 above-entitled cause; that I thereafter caused the  
11 foregoing to be transcribed into typewriting, which I  
12 hereby certify to be a true and accurate transcript of  
13 the Report of Proceedings had before the HONORABLE PAUL  
14 P. BIEBEL, JR., Judge of said Court.  
15

16  
17 

18 Lisa M. Hughes, CSR  
19 License No. 084-004240  
20 Circuit Court of Cook County

21 Dated this 24<sup>th</sup> day of  
22 June, 2013.  
23  
24

THE PEOPLE OF THE STATE OF ILLINOIS VS.

CASE

NO.

*Nicole Harris**05 CR 14415* <sup>01</sup>

DATE

PAPERS FILED

INDICTMENT/INFORMATION FILED IN THE CLERK'S OFFICE

PRES. JUDGE ASSIGNMENT DATE: \_\_\_\_\_

BAIL PREVIOUSLY SET \$ \_\_\_\_\_

DATE

JUDGE

ORDERS ENTERED

NO ARRAIGNMENT

ASSIGNED TO JUDGE \_\_\_\_\_

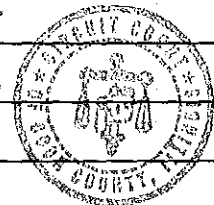
*6-17-13 Biebel Order entered vacating  
cts 1 & 2 w/s No 14*

I hereby certify that the document to which this  
certification is affixed is a true copy.

Date

*6-28-13*

Dorothy Brown  
Clerk of the Circuit Court  
of Cook County, IL





Dorothy Brown  
Clerk of the Circuit Court  
of Cook County, IL

I hereby certify that the document to which this  
certification is affixed is a true copy.

Date June 28, 2013

Criminal Division (1701)

101 3 6/17/13

9:00am

JUDGE

Paul P. Biebel

901

PO. ADD-T-0 305

02 1330007512 Hart, Lisa  
03 134000956 Fitness

good

B/A 7-1-13 X

04 1212293322 Ceanig, Karen  
05 Fitness

good

Δ FOUND UNFIT  
REMAND TO DHS FOR NONCOMPLIANT  
TREAT / NO BAR / B/A 7-18-13 X 305

06 YT47222812 Hoffman, Rodney  
07 (Fitness) (status in Detention)

good

305 B/A 9-17-13 X

08 0111394717 Merae, Juvenal  
09 Unsettled

7855

Δ Unsettled & Remand granted 9990

10 05CR144152 Harris, Nicole  
11 Unit of cert denied by  
Southern District of Illinois  
12 CRSE

good

492 103 cas over entire vacations  
Cts I & II → N/S note 9917

13 1212251624 Tarzan, Wendy  
14 Fitness

good

Δ FOUND UNFIT FOR PPT  
REMAND TO DHS FOR NONCOMPLIANT TREAT  
NO BAR / o/c 7-17-13 X

15 1230045334 Reynolds, Deborah  
16 Fitness

good

Δ NIC after notice  
no warrant to leave / no bar 9140

17 05CR243192 Vargas, Alexander  
18 (Fitness) (status in Detention)

good

9990 return com in vacated. See per Referenced  
Cov's corrected to underwriter  
I AM THE COURT CLERK RESPONSIBLE FOR THIS COURT CALL. THIS COURT SHEET ACCURATELY REFLECTS THE ORDERS AS ENTERED BY THE JUDGE.  
I HAVE DONE THE CODING AND IT IS CORRECT. I HAVE DONE THE DATA ENTRY AND IT IS CORRECT.  
TEAM REVIEWED BY: [Signature]  
MICROFILMED BY: [Signature]

JUDGE

CORPORATION COUNSEL/STATES ATTORNEY

WUC 500 tunc 40 2/2/17 P75 WUC 500 tunc 2/2/17

Nicole Harris 005146